



PATENT
7780/17 (T00343)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUL 14 2003

OFFICE OF PETITIONS

In re Application of:

WEIJING CHEN, ET AL.

Serial No.: 09/932,842

Filed: AUGUST 17, 2001

Title: PUBLIC WIRELESS LOCAL AREA NETWORK

Examiner:

Group Art Unit: 2642

PETITION TO REVIVE APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Box Petitions

Dear Sir:

In response to the Notice of Abandonment mailed June 30, 2003, Applicant respectfully asserts that the application is not in fact abandoned.

In the Notice of Abandonment, the PTO contends that Applicants failed to timely file a response to missing parts. In response, Applicants allege that the response was timely filed.


Attached to this Petition as Exhibit A is a return postcard showing that the Response to Notice of Missing Parts was mailed on October 25, 2001 and received at OIPE on January 7, 2002. Further attached is Exhibit B, a true copy of the Response to Notice of Missing Parts that was filed on October 25, 2001 comprising a Certificate of Mailing, compliant with PTO rules, indicating a mail date of October 25, 2001.

Therefore, Applicants assert that the application is not abandoned and request reinstatement of their application. Furthermore, as this notice was sent in error, Applicants believe that no fee is required for this petition.

Dated: JULY 8, 2003

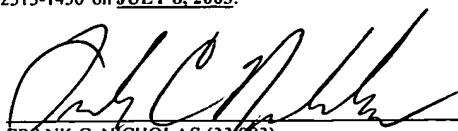
Respectfully submitted,

CARDINAL LAW GROUP
1603 Orrington Avenue, Suite 2000
Evanston, Illinois 60201
(847) 905-7111


FRANK C. NICHOLAS
Registration No. 33,983

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on JULY 8, 2003.

JULY 8, 2003
Date


FRANK C. NICHOLAS (33,983)



PUBLIC WIRELESS LOCAL AREA NETWORK

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JUL 14 2003
OFFICE OF PETITIONS

7780/17
7780/12 (T00343)
09/932,842
AUGUST 17, 2001
WEIJING CHEN
RIAS MUHAMED

Transmittal Letter (2); Notice to File Missing Parts of Nonprovisional Application; Response to Notice to File Missing Parts (2); Combined Declaration and Power of Attorney and Postcard mailed on OCTOBER 25, 2001.

CARDINAL LAW GROUP
By: FRANK C. NICHOLAS (33,983)



Applicant: Weijing Chen, et al.
Dkt. No. 7780/17 (T00343)
Serial No.: 09/932,842
Filed: August 17, 2001

EXHIBIT A



TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No.	7780. T00343)
	Application Number	09/932,842
	Filing Date	AUGUST 17, 2001
	First Named Inventor	WEIJING CHEN
	Group Art Unit	2642
Examiner		

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JUL 14 2003

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment/Response to Restriction/Election Req. <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Extension of Time Request (duplic) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input checked="" type="checkbox"/> Combined Declaration and Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Post Card Receipt <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Notice To File Missing Parts of Nonprovisional Application <input type="checkbox"/> <input type="checkbox"/>

CALCULATION OF FEE

				Small Entity		Large Entity	
	Claims After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total		Minus		x \$9=	0	x \$18=	
Indep.		Minus		x \$40=	0	x \$80=	
First Presentation of Multiple Dep. Claim				+ \$135=	--	+ \$270=	
				total add'l fee	\$ 0	total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 Cardinal Law Group 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date:	OCTOBER 25, 2001
CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: <u>OCTOBER 25, 2001</u>			
Signature	 FRANK C. NICHOLAS, 33,983	Date:	OCTOBER 25, 2001

Applicant: Weijing Chen, et al.
Dkt. No. 7780/17 (T00343)
Serial No.: 09/932,842
Filed: August 17, 2001

EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/932,842	08/17/2001	Weijing Chen	7780/17 (T00343)

CONFIRMATION NO. 4500

FORMALITIES LETTER



OC00000006583324

CARDINAL LAW GROUP
SUITE 2000
1603 ORRINGTON AVENUE
EVENSTON, IL 60201

RECEIVED

JUL 14 2003

OFFICE OF PETITIONS

Date Mailed: 09/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 840.

*A copy of this notice **MUST** be returned with the reply.*

DOCKETED

11/20/01

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
7780/17

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JUL 14 2003

OFFICE OF PETITIONS

In re Application of:

WEIJING CHEN, RIAS MUHAMED

Serial No.: 09/932,842

Filed: AUGUST 17, 2001

Title: PUBLIC WIRELESS LOCAL AREA NETWORK

Examiner:

Group Art Unit: 2642

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
FILED UNDER 37 C.F.R. 1.53(b)

Filing Date Granted

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Box Missing Parts

Dear Sir:

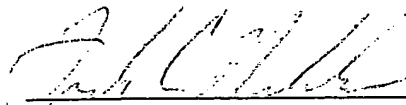
In accordance with the Notice to File Missing Parts Application, Filing Date Granted, dated September 20, 2001, a copy of which is attached, enclosed herewith for filing are the following documents to complete the filing requirements of the above-identified application.

- ☒ Executed Combined Declaration and Power of Attorney
- ☐ Statement Claiming Small Entity Status-(37 CFR 1.9(f) & 1.27(b)) – Independent Inventor
- ☒ Charge Deposit Account No. 50-1713 in the amount of \$840 for: Missing Parts Fees
- ☒ \$710 Filing fee [\$355 small entity; \$710 large entity (design \$160, \$320)]
- ☐ \$ Additional Claim Fees
- ☒ \$130 Missing Parts Surcharge
- Petition for Extension of Time to reply to the Notice of Missing Parts (and fee)
- | | | | | | |
|-------------------------------------|---|----------|---------------------------------------|---|------------|
| <input type="checkbox"/> one month | = | \$110.00 | <input type="checkbox"/> three months | = | \$890.00 |
| <input type="checkbox"/> two months | = | \$390.00 | <input type="checkbox"/> four months | = | \$1,390.00 |
- ☐ Other:
- ☒ The Assistant Commissioner is hereby authorized to charge any deficiencies in fees or credit any overpayment to Deposit Account No. 50-1713. A duplicate copy of this paper is enclosed.

Dated: OCTOBER 25, 2001

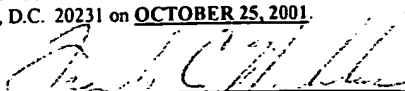
Respectfully submitted,

CARDINAL LAW GROUP
1603 Orrington Avenue, Suite 2000
Evanston, Illinois 60201
(847) 905-7111


FRANK C. NICHOLAS
Registration No. 33,983

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on OCTOBER 25, 2001.

OCTOBER 25, 2001
Date


FRANK C. NICHOLAS (33,983)



PATENT APPLICATION DECLARATION COMBINED
WITH POWER OF ATTORNEY

X REGULAR (UTILITY) OR _____ DESIGN APPLICATION
(check one)

RECEIVED #6
JUL 14 2003
OFFICE OF PETITIONS

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "PUBLIC WIRELESS LOCAL AREA NETWORK", Attorney Docket No. 7780/17 (SBC File No. T00343), the specification of which:

_____ is attached hereto.

X was filed on August 17, 2001 as U.S. Application Serial No. 09/932,842 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I hereby authorize my attorney(s) or agent(s) to fill in the U.S. Application Serial No. above, if required.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulation, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

X no such applications filed

_____ such applications identified as follows:

Priority Claimed

(Serial No.)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____
(Serial No.)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____
(Serial No.)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____

I hereby claim the priority benefit under Title 35, United States Code, Section 119(e) of any United States Provisional application(s); or under Section 120 of any United States application(s); or under Section 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material as defined in Title 37, Code of Federal Regulations, Section 1.56 which becomes available between filing date of the prior application and the national or PCT international filing date of this application.

Prior U.S. or PCT International Application(s):

(Check
one) X no such applications filed such applications identified as follows:

(Application Serial No.)	(Filing Date)	(Status)	(Patented, Pending, Abandoned)

I hereby declare that: as to any claimed subject matter of this application which is common to my earlier United States or foreign application(s), if any, which I have identified above and claimed the benefit of priority thereof, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the first of said earlier application(s), or in public use or on sale in the United States more than one year prior to the first of said earlier application(s), and that the common subject matter has not been patented or made the subject of an inventor's certificate before the date of the first of said earlier U.S. application(s) in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the first of said earlier U.S. application(s), if any; and that, as to any claimed subject matter of this application which is not common to said earlier application(s), if any, I do not know and do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a design patent application) prior to the date of this application.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from either his foreign patent agent or corporate representative, if any, as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the attorney(s) and/or agent(s) named below, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

The appointed attorneys include

Bruce E. Stuckman	Reg. No. 36,693	Frank C. Nicholas	Reg. No. 33,983
Steven Courtright	Reg. No. 40,966	Darrin Harris	Reg. No. 40,626
Ruth Pe Palileo	Reg. No. 44,277		


Send Written Correspondence to:

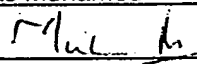
Frank C. Nicholas
Cardinal Law Group
1603 Orrington Ave., Suite 2000
Evanston, IL 60201

Direct Telephone Calls to:

Frank C. Nicholas
847/905-7111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of First inventor	<u>Weijing Chen</u>		
Inventor's signature	<u></u>		
Date:	<u>10/18/2001</u>		
Residence:	<u>Austin, Texas</u>	<u></u>	
	City	State or Foreign Country	
Citizenship	<u>United States of America</u>		
Post Office Address	<u>10208 Open Gate Drive</u>		
	<u>Austin, Texas 78726</u>	<u></u>	<u></u>
	City	State or Country	Zip Code

Full name of Second inventor	<u>Rias Muhamed</u>		
Inventor's signature	<u></u>		
Date:	<u>10/18/01</u>		
Residence:	<u>Austin, Texas</u>	<u></u>	
	City	State or Foreign Country	
Citizenship	<u>India</u>		
Post Office Address	<u>15437 Cadoz Drive</u>		
	<u>Austin, TX 78728</u>	<u></u>	<u></u>
	City	State or Country	Zip Code